

(5) \$ 25,797.31
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IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
IN AND FOR MIAMI-DADE COUNTY, FLORIDA

GENERAL JURISDICTION DIVISION

The Oaks at Miami Gardens Condominium Association, CASE NO. 10-64342 CA 11
Inc., a Florida Non Profit Corporation,

Plaintiff,

v.

Linda Joseph-Noel, and any Unknown Heirs, Devisees,
Grantees, Creditors and Other Unknown Persons or
Unknown Spouses Claiming By, Through and Under
Linda Joseph-Noel,

Defendant(s).

FILED FOR RECORD
2011 JUL 13 PM 12:51
CLERK OF DISTRICT COURT
MIAMI-DADE COUNTY FLA.
CIVIL #63

FORECLOSURE

FINAL JUDGMENT OF CONDOMINIUM/HOMEOWNER'S ASSOCIATION FORECLOSURE

(Pursuant to Administrative Order 09-09(a))

THIS ACTION was heard before the Court on Plaintiff's Motion for Summary Final Judgment
on July 13, 2011. On the evidence presented,

IT IS ORDERED AND ADJUDGED that:

1. The Plaintiff's Motion for Summary Judgment is **GRANTED**. Service of process has been duly
and regularly obtained over Defendant(s): Linda Joseph-Noel.
2. Amounts Due.

There is due and owing to the Plaintiff the following as of July 13, 2011:

Assessments/maintenance due on the lien to be foreclosed:	\$11,900.86
Late Fees due as authorized by the Plaintiff's Governing Documents:	\$925.00
Non-litigation fees and costs incurred by Association in collection pursuant To Fla.Stat.718.116(3) or Chapter 720:	\$4,102.21
Accumulated interest charged on delinquent assessments/maintenance:	\$3,010.24
Association in-house collection fees incurred for pre-foreclosure Activities	\$2,689.50

SUBTOTAL: \$22,627.81

Court Costs:

Filing fee:	\$401.00
Summons/Service of Process (1 Defendant):	\$40.00
Recording of Lis Pendens	\$5.00
SUBTOTAL:	\$446.00

Costs Incurred Incident to Collections under §718.116/§720.3085 Fla. Stat.:

Administrative (est.) Averaged Foreclosure Costs (copies, postage, courier, fax, etc.):	\$36.00 (est.)
Publication of Foreclosure Sale:	\$150.00 (est.)
SUBTOTAL:	\$186.00

<u>Attorney fees</u> based upon 10.15 hours at \$250.00 per hour:	\$2,537.50
GRAND TOTAL:	<u>\$25,797.31</u>

3. **Interest.** The grand total amount referenced in Paragraph 2 shall bear interest from this date forward at the prevailing legal rate of interest.
4. **Lien on Property.** Plaintiff, The Oaks at Miami Gardens Condominium Association, Inc., c/o Florida Property Management Group, Inc. whose address is 7100 SW 99 Avenue, Suite 102, Miami, FL 33173, holds a lien for the grand total sum specified in Paragraph 2 herein. The lien of the Plaintiff is superior in dignity to any right, title, interest or claim of the defendants and all persons, corporations, or other entities claiming by, through, or under the Defendants or any of them, and the property will be sold free and clear of all claims of the Defendants, to the extent provided by Sections 718.116 or 720.3085, Florida Statutes. The Plaintiff's lien encumbers the subject property located in Miami Dade County, Florida and legally described as:

UNIT 209 BUILDING NO. 1, OF THE OAKS AT MIAMI GARDENS CONDOMINIUM, ACCORDING TO THE DECLARATION OF CONDOMINIUM THEREOF, RECORDED FEBRUARY 23RD, 2006 UNDER CLERK'S FILE NO. 06-0196688 IN OFFICIAL RECORDS BOOK 24263, AT PAGE 2379, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

Property Address: 17602 NW 25th Avenue, Unit 209, Miami, FL 33056.

5. **Sale of property.** If the grand total amount with interest at the rate described in Paragraph 3 and all costs accrued subsequent to this judgment are not paid, the Clerk of the Court shall sell the subject property at public sale on August 15, 2011, to the highest bidder for cash, except as prescribed in Paragraph 6 at: www.miamidade.realforeclose.com, the Clerk's website for on-line auctions at 9:00 a.m. after having first given notice as required by Section 45.031, Florida Statutes.

6. **Costs.** Plaintiff shall advance all subsequent costs of this action and shall be reimbursed for them by the Clerk if Plaintiff is not the purchaser of the property for sale. If Plaintiff is the purchaser, the Clerk shall credit Plaintiff's bid with the total sum with interest and costs accruing subsequent to this Judgment, or such part of it, as is necessary to pay the bid in full. The Clerk shall receive the service charge imposed in Section 45.031, Florida Statutes, for services in making, recording, and certifying the sale and title that shall be assessed as costs.

7. **Right of Redemption.** On filing of the Certificate of Sale, Defendant's right of redemption as proscribed by Florida Statutes, Section 45.0315 shall be terminated.

8. **Distribution of Proceeds.** On filing the Certificate of Title, the Clerk shall distribute the proceeds of the sale, so far as they are sufficient, by paying: first, all of the plaintiff's costs; second, documentary stamps affixed to the Certificate; third, plaintiff's attorneys' fees; fourth, the total sum due to the plaintiff, less the items paid, plus interest at the rate prescribed in paragraph 2 from this date to the date of the sale. During the sixty (60) days after the Clerk issues the certificate of disbursements, the Clerk shall hold the surplus pending further Order of this Court.

9. **Right of Possession.** Upon filing of the Certificate of Title, Defendant and all persons claiming under or against Defendant since the filing of the Notice of Lis Pendens shall be foreclosed of all estate or claim in the property and the purchaser at sale shall be let into possession of the property, subject to the provisions of the "Protecting Tenant At Foreclosure Act of 2009."

10. The total sum found to be due to the Plaintiff in Paragraph 2, plus interest at the rate of six percent (6%) per annum shall be paid to the Association Law Group Trust Account, as attorney for and in trust for Plaintiff.

SALE DATE AUTHORIZED

BY

AV

11. **Attorney Fees.** The Court finds, based upon the affidavits presented and upon inquiry of counsel for the plaintiff, that 10.15 hours were reasonably expended by plaintiff's counsel and that an hourly rate of \$250.00 per hour for a total of \$2,537.50 is appropriate. PLAINTIFF'S COUNSEL REPRESENTS THAT THE ATTORNEY FEE AWARDED DOES NOT EXCEED ITS CONTRACT FEE WITH THE PLAINTIFF. The Court finds that there are no reduction or enhancement factors for consideration by the Court pursuant to *Florida Patient's Compensation Fund v. Rowe*, 472 So.2d 1145 (Fla. 1985).

12. **NOTICE PURSUANT TO AMENDMENT TO SECTION, 45.031, FLA. ST. (2006)**

IF THIS PROPERTY IS SOLD AT PUBLIC AUCTION, THERE MAY BE ADDITIONAL MONEY FROM THE SALE AFTER PAYMENT OF PERSONS WHO ARE ENTITLED TO BE PAID FROM THE SALE PROCEEDS PURSUANT TO THE FINAL JUDGMENT.

IF YOU ARE A SUBORDINATE LIEN HOLDER CLAIMING A RIGHT TO FUNDS REMAINING AFTER THE SALE, YOU MUST FILE A CLAIM WITH THE CLERK NO LATER THAN SIXTY (60) DAYS AFTER THE SALE. IF YOU FAIL TO FILE A CLAIM, YOU WILL NOT BE ENTITLED TO ANY REMAINING FUNDS.

IF YOU ARE THE PROPERTY OWNER, YOU MAY CLAIM THESE FUNDS YOURSELF. YOU ARE NOT REQUIRED TO HAVE A LAWYER OR ANY OTHER REPRESENTATION AND YOU DO NOT HAVE TO ASSIGN YOUR RIGHTS TO ANYONE ELSE IN ORDER FOR YOU TO CLAIM ANY MONEY TO WHICH YOU ARE ENTITLED. PLEASE CHECK WITH THE CLERK OF THE COURT, 140 WEST FLAGLER STREET, ROOM 908, MIAMI, FLORIDA (TELEPHONE: (305) 375-5943), WITHIN (10) DAYS AFTER THE SALE TO SEE IF THERE IS ADDITIONAL MONEY FROM THE FORECLOSURE SALE THAT THE CLERK HAS IN THE REGISTRY OF THE COURT.

IF YOU DECIDE TO SELL YOUR HOME OR HIRE SOMEONE TO HELP YOU CLAIM THE ADDITIONAL MONEY, YOU SHOULD READ VERY CAREFULLY ALL PAPERS YOU ARE REQUIRED TO SIGN, ASK SOMEONE ELSE, PREFERABLY AN ATTORNEY WHO IS NOT RELATED TO THE PERSON OFFERING TO HELP YOU, TO MAKE SURE THAT YOU UNDERSTAND WHAT YOU ARE SIGNING AND THAT YOU ARE NOT TRANSFERRING YOUR PROPERTY OR THE EQUITY IN YOUR PROPERTY WITHOUT THE PROPER INFORMATION.

IF YOU CANNOT AFFORD TO PAY AN ATTORNEY, YOU MAY CONTACT THE LEGAL AID SOCIETY AT THE DADE COUNTY BAR ASSOCIATION, 123 N.W. FIRST AVENUE, SUITE 214, MIAMI, FLORIDA, (TELEPHONE: (305) 579-5733), TO SEE IF YOU QUALIFY FINANCIALLY FOR THEIR SERVICES. IF THEY CANNOT ASSIST YOU, THEY MAY BE ABLE TO REFER YOU TO A LOCAL BAR REFERRAL AGENCY OR SUGGEST OTHER OPTIONS. IF YOU CHOOSE TO CONTACT THE DADE COUNTY BAR ASSOCIATION

LEGAL AID SOCIETY, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.

13. **Jurisdiction.** The Court retains jurisdiction of this action to enter further orders that are proper, including, without limitation, writs of possession and deficiency judgments.

DONE AND ORDERED in Chambers in Miami Dade County, Florida, this 13th day of July 2011.

**COPY HAND DELIVERED
TO PLTF'S ATTY
IN LIEU OF MAILING**

Copies furnished to:
Luis R. Lasa III, Esq.
Association Law Group, P.L.
Post Office Box 415848
Miami Beach, Florida 33141

Linda Joseph-Noel
275 NW 157th Street
Miami, FL 33169



THE HONORABLE BARBARA ARECES
Circuit Court Judge

Circuit Court Judge

*Barbara Areces
Circuit Court Judge*